

## **BRIANA LYNN ROSENBAUM**

University of Tennessee College of Law  
1505 W Cumberland Ave.  
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### **ACADEMIC EXPERIENCE**

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#### **UNIVERSITY OF TENNESSEE COLLEGE OF LAW**

*Associate Professor*, June 2013 – present

*Selected Courses Taught:*

Civil Procedure I & II  
Jurisprudence  
Class Actions & Complex Litigation  
Multidistrict Litigation (with Judge R. David Proctor [MDL Panel & N.D. Ala.])  
Evidence  
Pretrial Litigation  
Academic Enrichment Program

*Selected Service:*

Univ of Tennessee, Teaching and Learning Innovation's Inclusive Teaching Taskforce (2020 to present)  
Faculty Leader, TLI's Course Redesign Institute, Inclusive Teaching Track (May 2021)

Assessment Task Force (2019-2022)  
Admissions Committee (2021-present); Chair, 2022-23  
Judicial Clerkships Committee (2014-2019); Chair, Spring 2019  
Faculty Advisor, Vols for Vets (2017-present)  
Faculty Advisor, Hillel UTK (2022-present)  
Member, ASP Task Force, Academic Success Committee (2017-2020)  
Case Briefing & Analysis Orientation (2014-present)  
Community and Inclusion Committee (2013-2015)  
Co-teacher: 3L Bar Exam Strategies and Skills Course (2016)  
Faculty Advisor, Academic Success Program (2014-2016)  
Dean's Governance Committee (2014-2015; 2019-2020)  
UT, Chancellor's Commission for LGBT People (2014-2015)

#### **STANFORD LAW SCHOOL**

*Thomas C. Grey Fellow*, June 2009 – June 2013

*Courses Taught:*

Federal Litigation  
Legal Research and Writing

## SELECTED PUBLICATIONS

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*Deflect, Delay, Deny: A Case Study of Segregation by Law School Faculty*, 90 Tenn. L. Rev. \_\_\_\_ (forthcoming 2023).

*The Reverse-Erie Doctrine and The Failure to Protect Transgender Students in State Schools*, in CRITICAL GUIDE TO CIVIL PROCEDURE (Brooke Coleman, Suzette Malveaux, Portia Pedro, Elizabeth Porter, ed., July 2022).

*When Congress Acts: Judicial Procedural Innovation and the PSLRA*, 20 Tenn. J. Bus. L. 777 (2019).

*The Legislative Role in Procedural Rulemaking through Incremental Reform*, 97 NEB. L. REV. 762 (2019).

*Representing Transgender Students in Knox County Schools*, DICTA (Oct. 2018) (Knoxville Bar Association publication)

*One-Sheet: Know Your Rights: Trans Students in Knox County Schools*, March 2018 (one-page legal resource for transgender students) (with David Hall).

*The Rico Trend in Class Action Warfare*, 102 IOWA L. REV. 165 (2016).

*Sentence Appeals in England: Promoting Consistent Sentencing Through Robust Appellate Review*, 14 J. APP. PRAC. & PROCESS 81 (2013).

*Righting the Historical Record: A Case for Appellate Jurisdiction over Appeals of Sentences for Reasonableness under 28 U.S.C. § 1291*, 62 HASTINGS L.J. 865 (2011).

Briana Lynn Morgan, *From Private Practice to Academia*, S.F. DAILY J., Oct. 12, 2010, at 6 (California legal news publication).

Briana Lynn Morgan, Note, *The Use of Rules and Standards to Define a Transsexual's Sex for the Purpose of Marriage: An Argument for a Hybrid Approach*, 55 HASTINGS L.J. 1329 (2004).

## HONORS & FELLOWSHIPS

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Carden Outstanding Faculty Award for Teaching, 2023

Wilkinson Research Professor, 2021

Academic Fellow, The Pound Civil Justice Institute (2019 to present)

Carden Award for Outstanding Service to the Institution, 2016, University of Tennessee College of Law.

## SELECTED SPEAKING ENGAGEMENTS/PRESENTATIONS

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Presented “Deflect, Delay, Deny: A Case Study of Segregation by Law School Faculty”:

- Grey Fellows Forum, Stanford Law School: June 3, 2022.
- Summer Research Series: University of Tennessee College of Law, July 7, 2022.
- Black History Month: University of Tennessee College of Law, February 20, 2023.
- Faculty Exchange: University of South Carolina, February 24, 2023.
- Invited Speaker, Arkansas Journal of Social Change and Public Service Symposium: Univ of Arkansas Little Rock, April 7, 2023.

Invited Reviewer, Class Actions, Mass Torts, and MDLs, The Pound Civil Justice Institute, Lewis & Clark Law School, November 2019.

Panelist, “The Reverse-Erie Doctrine and The Failure to Protect Transgender Students in State Schools,” Critical Guide to Civil Procedure Workshop, Boston University School of Law, May 2019.

Invited Moderator, *RBG* Movie Screening and Discussion, UT Commission for Women, Invited Moderator, March 2019.

Speaker, “When Congress Acts: Judicial Procedural Innovation and the PSLRA,” 2018 Business Law Conference, University of Tennessee, September 2018.

Speaker, “Trans Student Legal Rights Workshop,” Voices for Trans Youth, Knoxville, Tennessee, March 2018.

Speaker, “Judicial Retrenchment in Congress: Hidden Incremental Reform,” University of Cincinnati College of Law, April 2018.

Speaker, “Judicial Retrenchment in Congress: Hidden Incremental Reform,” Stanford Law School, May 2018.

Speaker, “The RICO Trend in Class Action Warfare,” SEALS Annual Conference, Amelia Island, Florida, August 2016.

Panelist, “The RICO Trend in Class Action Warfare,” Seattle University School of Law, Second Annual Civil Procedure Workshop, July 2016.

Panelist, “The RICO Trend in Class Action Warfare,” Stanford Law School, Grey Fellows Forum, April 2016.

Presenter, “The RICO Trend in Class Action Warfare,” University of Florida, College of Law, January 2016.

Presenter, “Offensive Strategies for Defeating Class Actions—Case Law Update and Trends,” University of Tennessee College of Law CLE Program, November 2014.

Presenter, “Substantive Reasonableness Review: Finding a Model for Appellate Review of Sentencing Discretion,” New Perspectives on Comparative Law Conference, Indiana University Robert H. McKinney School of Law, April 2013.

Presenter, “Civil Procedure in the Legal Writing Classroom,” Rocky Mountain Regional Legal Writing Conference, March 2012.

Panelist, “Transgender Marriage,” SF Human Rights Commission, LGBT Advisory Committee, January 2005.

## **MENTIONS IN THE PRESS/MEDIA COVERAGE OF RESEARCH**

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“Wondering when the Knox County Schools mask mandate could end? Legal experts have some ideas,” by Isabel Lohman, *Knoxville News Sentinel* (Nov 10, 2021), available at <https://www.knoxnews.com/>.

“Cultural Competency, Bathroom Policy Addressed at Board of Education Meeting,” by Pete Gowda, *The Knoxville Focus* (May 8, 2017), available at <http://knoxfocus.com/wp-content/uploads/2017/05/0508-KF.pdf>

“Mob Mentality: Chevron’s Donziger Triumph Could Inspire RICO Copycats,” by Max Stendahl, *Law360* (August 19, 2016), available at <https://www.law360.com/articles/830215/mob-mentality-chevron-s-donziger-triumph-could-inspire-rico-copycats>

## **EDUCATION**

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**UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW**, San Francisco, CA  
Juris Doctor, *magna cum laude*, May 2004

**SANTA CLARA UNIVERSITY**, Santa Clara, CA  
Bachelor of Science, *cum laude*, Political Science, June 2000

- Minors: music (voice) and sociology
- Thesis: *A Study of the Current Anti- and Pro-Homosexual Marriage Viewpoints as they Relate to Tradition, Children, Religion, and Law* (Dec. 1998)

## **OTHER PROFESSIONAL EXPERIENCE**

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**BINGHAM MCCUTCHEN LLP**, San Francisco, CA  
Associate, October 2006 – April 2009; *Summer Associate*, Summer 2003  
Specializing in complex civil and criminal litigation.

**THE HONORABLE ANTHONY J. SCIRICA**, Chief Judge, Court of Appeals for the Third Circuit, Philadelphia, PA  
*Law Clerk*, September 2005 – September 2006

**THE HONORABLE DAVID F. LEVI**, Chief Judge, Eastern District of California & Chair of the Standing Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States, Sacramento, CA

*Law Clerk*, May 2004 – May 2005

**CALIFORNIA STATE ASSEMBLY, COMMITTEE ON PUBLIC SAFETY**, Sacramento, CA

*Legal Intern*, January 2004 – May 2004

Conducted research regarding proposed legislation. Author of numerous California Bill Analyses, including for A.B. 2811 Assem., 4/20/2004; A.B. 2788 Assem., 4/12/04; A.B. 2946 Assem., 4/13/2004

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS**, San Francisco, CA

*Legal Intern*, Summer 2002

**THE WHITE HOUSE**, Washington, DC

*Scheduling and Advance Intern*, Fall 1998

## **PROFESSIONAL AFFILIATIONS AND SERVICE**

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- National Civil Justice Institute, Academic Fellow
- UC Hastings College of the Law, Alumni Mentor
- Eric Hanson Alumni Speaker Series Alumni Advisory Board Member, Santa Clara Univ.
- State Bar of California, admitted 2005
- State Bar of Tennessee, admitted 2014
- East Tennessee Lawyers' Association for Women, member
- Arnstein Jewish Community Center, Board Member